Sanicem Landfill Redevelopment **Brown Road Group**

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Background

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Brown Road Group, L.L.C. (BRG) is redeveloping approximately 72 acres that galf in Care associated areas in One of the Care and the Care associated areas in One of the Care areas in One of the Care associated areas are associated areas and the One of the One of the One of the Care as a care as associated areas in Orion Charter Township and the city of Auburn Hills, Oakland County (the Property). The total redevelopment involves about 145 acres.

The Sanicem Landfill was operated from 1969 until 1978, when a Cease and Desist Order was issued, by the J. Fons Company and Sanicem Company (collectively the Company). Daniel P. Fons was President of J. Fons Company and a partner of Sanicem Company. A prior owner had used the Property as a dump since 1967.

Historical records indicate the Company was unable to obtain an operating license for the landfill, and MDEQ staff observed poor management of the landfill, including refuse being unlawfully dumped into the water table, reintroduction of leachate back into the landfill, leachate outbreaks, and odors resulting from either leachate or gas emissions. The landfill contained up to 75 feet of fill on the north side of the Property, tapering to just a few feet on the south of the Property.

In 2002, BRG negotiated a release of a lien that the MDEQ had placed on a portion of the Property following performance of some limited drum removal and remedial investigation of the landfill in 1995 to 1996. At the time of the lien release, the MDEQ management had indicated that some or all of the response activities at the landfill necessary for the redevelopment would be eligible for taxcapture funds. The MDEQ also stated it wouldn't seek recovery of those funds as long as BRG operated a methane venting and leachate collection systems, to the extent necessary for the redevelopment, now and in the future. Additionally, the MDEQ agreed, at the request of BRG, that the MDEQ will first request and provide reasonable opportunity to the BRG to undertake any response activities at the facility that are needed.

Since that time, BRG has started development of the Property by land balancing and grading the waste, and has constructed a commercial/light industrial building on an area that does not contain waste. BRG intends to build additional structures that will be located on the fill.

Within the last year, the MDEQ has learned that leachate discharges into a wetland have increased, elevated levels of ammonia in a nearby drain have been traced back to the Property, and the leachate also contains high levels of PCBs. Methane from the landfill has been found off the Property to the north and west at potentially explosive levels, and methane has been found in one building. The MDEQ is investigating the extent of methane migration off the Property, and has

- indivioual PRP with fill on the property

In September 2003 BRG installed an SVE system along the shared property boundary with the affected off-site buildings to the north. As of November 2003 this system was expanded to include gas extraction points adjacent to these two buildings. As of the most recent data, explosive levels of methane are still present in the soil gas near the buildings.

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